IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2022 of 2003
with
FIRST APPEAL Nos 2036, 2096, 2098, 2100, 2102, 2104, 2108, 2113, 2114, 2115 and 2165 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

MOCHI HIRABHAI PUNJABHAI

Appearance:
MR AY KOGJE AGP for Appellant No.
UNSERVED-EXPIRED (R) for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE D.H.WAGHELA

Date of decision: 04/12/2004

COMMON ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE M.S.SHAH)

Although these appeals were part of the group of First Appeal Nos. 2002 of 2003 and connected matters, these appeals could not be taken up for hearing as Mr Kogje, learned AGP has brought to our notice that the respondent-claimants in the respective appeals have expired during pendency of the appeals before this Court. Ordinarily, therefore, the appellant would have been required to file an application for bringing on record the heirs of the deceased respondent. However, by a separate judgment in First Appeal No. 2002 of 2003 and other connected appeals, we have confirmed the common judgment of the Reference Court by which the land acquisition references giving rise to the present appeals were also decided. In this view of the matter, we are of the view that no useful purpose would be served by keeping these matters pending for bringing on record the heirs of the deceased respondent. Even if the heirs are brought on record, the same decision would be rendered as has been done in First Appeal No.2002 of 2003 and connected appeals, that is, the present appeals would also be liable to be dismissed on merits.

2. We, therefore, dispose of these appeals as having abated on the death of the respondent-claimants.

3. All the appeals are accordingly disposed of.

(M.S. SHAH, J.)

(D.H. WAGHELA,J.)
zgs/-